

MODULE I

STANDARD PERMIT CONDITIONS

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MODULE I - STANDARD PERMIT CONDITIONS

I.A. EFFECT OF PERMIT

- I.A.1. The Permittee is allowed to treat and store hazardous waste in tanks and containers, to dispose of hazardous waste in hazardous waste landfill cells, and to store hazardous waste in surface impoundments, in accordance with the conditions of this permit. Any storage, treatment or disposal of hazardous waste not authorized in this permit or other permits is prohibited.
- I.A.2. Compliance with this permit constitutes compliance, for purposes of enforcement, with the Utah Hazardous Waste Management Rules, except for those requirements not included in this permit that become effective by statute. Specifically, compliance with this permit during its term constitutes compliance, for purposes of enforcement, with R315-8 only for those management practices specifically authorized by this permit. The Permittee is also required to comply with R315-1, 2, 3, 4, 5, 6, 9, 12, 13, 14, 16, 50, and 101 as applicable.
- I.A.3. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of State or local law or regulations.
- I.A.4. Attachments incorporated by reference are enforceable conditions of this permit, as are documents incorporated by reference in the attachments. Language in the modules of this permit supercedes any conflicting language in the attachments or documents incorporated into the attachments.

I.B. ENFORCEABILITY

Violations duly documented through the enforcement process pursuant to Utah Code Annotated 19-6-112, may result in penalties assessed in accordance with R315-102.

I.C. NO WAIVER OF AUTHORITY

The Executive Secretary expressly reserves any right of entry provided by law and any authority to order or perform emergency or other response activities as authorized by law.

I.D. PERMIT ACTIONS

- I.D.1. This permit may be modified, revoked and reissued, or terminated for cause, as specified in R315-3-4.2 or R315-3-4.3. If the Executive Secretary determines that cause exists to modify, revoke and reissue, or terminate this permit the action will proceed in accordance with R315-3-4.4.
- I.D.2. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or the notification of planned changes, requiring prior agency approval or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.
- I.D.3. This permit may be modified at the request of the Permittee in accordance with the procedures of R315-3-4.3. All modification requests involving design drawings, calculations, sketches, etc., shall be reviewed and stamped by a qualified Utah registered professional engineer. All relevant drawings, calculations, sketches, etc., shall be included with the modification request.
- I.D.4. If a conflict exists between conditions within this permit, the most stringent condition, as determined by the Executive Secretary, shall be met.
- I.D.5. In accordance with R315-3-5.1(d), each permit for a land disposal facility shall be reviewed by the Board at least once every five years.

I.E. SEVERABILITY

The provisions of this permit are severable and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby. Invalidation of any State or federal statutory or regulatory provision, which forms the basis for any condition of this permit, does not affect the validity of any other state or federal statutory or regulatory basis for said condition.

I.F. DUTIES TO COMPLY

- I.F.1. The Permittee shall comply with all conditions of this permit, except to the extent and for the duration an emergency permit issued in accordance with R315-3-6.2 authorizes such noncompliance. Any permit noncompliance, other than noncompliance authorized by an emergency permit, constitutes a violation of the Utah Solid and Hazardous Waste Act,

and may be grounds for enforcement action, for permit modification, revocation and reissuance, termination, denial of a permit renewal application or a combination of enforcement action and any of the other listed remedies.

- I.F.2. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under Sections 3007, 3008, 3013, or 7003 of RCRA (42 U.S.C. Sections 6927, 6928, 6934 and 6973), Section 106(a), 104, or 107 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 (42 U.S.C. 9606(a), 9604, and 9607, commonly known as CERCLA) as amended by the Superfund Amendments and Re-authorization Act of 1986 (SARA), or any other state or federal law providing for protection of public health or the environment from any imminent and substantial endangerment to human health or the environment.

I.G. DUTY TO REAPPLY

The Permittee shall apply for a new permit in accordance with R315-3-2.1(g) and R315-3-3.1 a minimum of 180 calendar days prior to the expiration date of this permit, if the Permittee wishes to continue an activity allowed by this permit.

I.H. PERMIT EXPIRATION

This permit shall be effective for ten years from the signature date of this permit.

I.I. CONTINUATION OF EXPIRING PERMIT

This permit and all conditions herein shall continue in force until the effective date of a new permit, if the Permittee has submitted a timely and complete application under R315-3-2.5 and the applicable requirements of R315-3-2.6 through R315-3-2.19 and R315-3-2.5(c) and R315-3-2.19(d), and through no fault of the Permittee, the Executive Secretary has neither issued nor denied a new permit under R315-3-11 on or before the expiration date of this permit.

I.J. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It shall not be a defense, for the Permittee in an enforcement action, that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

I.K. DUTY TO MITIGATE

In the event of noncompliance with the permit, the Permittee shall take all reasonable steps to minimize releases to the environment resulting from the noncompliance, and shall carry out such measures as are reasonable to prevent significant adverse impacts on human health or the environment.

I.L. PROPER OPERATION AND MAINTENANCE

The Permittee shall, at all times, properly operate and maintain all facilities, treatment systems and ancillary controls (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. This provision requires the operation of back-up or auxiliary equipment or similar systems when necessary to achieve compliance with the conditions of this permit.

I.M. DUTY TO PROVIDE INFORMATION

The Permittee shall furnish to the Executive Secretary within a reasonable amount of time any relevant information which the Executive Secretary may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Executive Secretary upon request, copies of records required to be kept by this permit.

I.N. INSPECTION AND ENTRY

Pursuant to the Utah Administrative Code R315-2-12, the Permittee shall allow, the Executive Secretary, or authorized representative, upon the presentation of credentials and other documents, as may be required by law, to:

- I.N.1. Enter at reasonable times upon the Permittee's premises where a regulated unit or activity is located or conducted, or where records must be kept as required by the conditions of this permit;
- I.N.2. Have access to and copy, at reasonable times, any records, including electronic data, that must be kept as required by the conditions of this permit;
- I.N.3. Inspect any portion of the facility, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit;

- I.N.4. Sample or monitor at reasonable times for the purposes of assuring permit compliance or as otherwise authorized by the USHWA, any substances or parameters at any location; and
- I.N.5. Make record of inspection through photographic, electronic, videotape, or any other reasonable medium. The Permittee will be given duplicate copies of these items should the Permittee make this request by letter.

I.O. MONITORING AND RECORDS

- I.O.1. The Permittee shall retain, at the Grassy Mountain Facility, records of all monitoring, including all calibration and maintenance records and, where applicable, all original strip chart recordings (or equivalent recordings) for continuous monitoring instruments, copies of all reports and records required by this permit, the waste minimization certification required by R315-8-5.3 and records of all data used to complete the application for this permit for a period of at least three years from the date of the sample, measurement, report, certification, or recording unless a longer retention period for certain information is required by other conditions of this permit.

All records required to be maintained under this permit may be converted to retrievable electronic media, or micro-film/fisch, for storage, under a plan and using formats expressly approved by the Executive Secretary. Once converted, the electronic media, or micro-film/fisch, may be retained in place of the hard copy originals of the records. These periods may be extended at the request of the Executive Secretary at any time by written notification to the Permittee. The retention times are automatically extended during the course of any unresolved enforcement action regarding the facility to three years beyond the conclusion of the enforcement action.

- I.O.2. The Permittee shall maintain, at the Grassy Mountain Facility, monitoring well records of all groundwater quality and groundwater elevations for the active life of the facility and all post-closure care periods.
- I.O.3. Pursuant to R315-3-3.1, records of monitoring information shall specify at a minimum:
 - I.O.3.a. The date(s), exact place, and times of sampling or measurements;
 - I.O.3.b. The name(s), title(s), and affiliation of individual(s) who performed the sampling or measurements;
 - I.O.3.c. The date(s) analyses were performed;
 - I.O.3.d. The individual(s) who performed the analyses;

- I.O.3.e. The analytical techniques or methods used; and
- I.O.3.f. The results of such analyses, including all QA/QC data.
- I.O.4. Samples and measurements taken for the purpose of monitoring shall be accurate and representative of the monitored activity. The method used to obtain a representative sample of the waste to be analyzed shall be the appropriate method from R315-50-6 or an equivalent method approved in writing by the Executive Secretary. Laboratory methods shall be those specified in Test Methods for Evaluating Solid Waste: Physical/Chemical Methods SW-846 (Third Edition, November 1986; or prevailing edition, hereafter referred to as SW-846), Standard Methods of Examination of Water and Wastewater (17th Edition, 1989; or prevailing edition). The prevailing edition will be determined by the Executive Secretary. Other alternate methods approved in this permit, or an equivalent method, in accordance with permit Condition I.O.5. of this permit will be allowed if approved in writing by the Executive Secretary.
- I.O.5. When requesting substitute or additional analytical methods, the Permittee shall submit to the Executive Secretary a request for substitution of analytical method which is equivalent to the method specifically approved in accordance with R315-3-4.3. The request shall provide information demonstrating that the proposed method requested is equivalent or superior in terms of sensitivity, accuracy, and precision (i.e, reproducibility).
- I.O.6. The Permittee shall maintain at the facility a current copy of this permit.

I.P. REPORTING ANTICIPATED NONCOMPLIANCE

The Permittee shall give advance written notice to the Executive Secretary of any planned changes in the permitted facility or activity which may result in noncompliance with requirements of this permit. Advance notice shall not constitute a defense for any noncompliance.

I.Q. REPORTING PLANNED CONSTRUCTION CHANGES

The Permittee shall follow the requirements of Condition I.D. for any physical alterations or additions to hazardous waste management units or systems being modified. Planned physical alterations or additions shall include all changes in any facility hazardous waste equipment. Neither construction nor operation of new or modified hazardous waste units shall begin unless authorization is granted by the Executive Secretary.

I.R. CERTIFICATION OF CONSTRUCTION OR MODIFICATION

The Permittee shall not commence storage, treatment, or disposal of hazardous waste in a new hazardous waste management unit or in a Class 2 or Class 3 modified portion of an existing permitted hazardous waste management unit except as provided in R315-3-4.3, until:

- I.R.1. The Permittee has submitted to the Executive Secretary:
 - I.R.1.a. A letter signed by the Permittee and an independent Utah registered professional engineer qualified by experience and education in the appropriate engineering field certifying that the unit(s) has been constructed or modified in compliance with the modification request and with the conditions of this permit;
 - I.R.1.b. As-built engineering drawings and specifications as appropriate; and
- I.R.2. The Executive Secretary or designated representative has reviewed and inspected the modified or newly constructed unit(s) and has notified the Permittee in writing that the unit(s) was found to be in compliance with permit modification request and the conditions of this permit; or
- I.R.3. If within 15 calendar days of the date of receipt of the letter in permit Condition I.R.1., the Permittee has not received notice from the Executive Secretary, of the intent to inspect, prior inspection is waived and the Permittee may commence treatment, storage, or disposal of hazardous waste in the permitted unit certified in accordance with permit Condition I.R.

I.S. TRANSFER OF PERMIT

This permit is not transferable to any person except after notice to the Executive Secretary and in accordance with R315-3-4.1.

I.T. TWENTY-FOUR HOUR REPORTING

- I.T.1. In accordance with R315-3-3.1, the Permittee shall orally report to the Executive Secretary any noncompliance with this permit which may endanger human health or the environment. Any such information shall be reported as soon as possible, but not later than 24 hours from the time the Permittee becomes aware of the noncompliance.
- I.T.2. In accordance with R315-9, the Permittee shall orally report, within 24 hours, to the Executive Secretary any spill of any hazardous waste or material which, when spilled becomes a hazardous waste if the spilled quantity:

- I.T.2.a. Exceeds 100 kilograms; or
- I.T.2.b. Exceeds one kilogram of material listed in paragraph R315-2-10(e), which includes F999 and which is an acute hazardous waste identified with a hazard code of (H), or in R315-2-11(e).
- I.T.2.c. A lesser amount if there is a potential for endangerment to human health or the environment.
- I.T.3. The oral report shall include, but not be limited to, the following:
 - I.T.3.a. Information concerning the release of any hazardous waste which may endanger public drinking water supplies; and
 - I.T.3.b. Any information of a release or discharge of a reportable hazardous waste, or of a fire, or explosion at the facility.
 - I.T.3.c. The description of the occurrence and its cause shall include:
 - I.T.3.c.i. Name, title, and telephone number of individual reporting;
 - I.T.3.c.ii. Name, address, and telephone number of the owner or operator;
 - I.T.3.c.iii. Name, address, and telephone number of the facility;
 - I.T.3.c.iv. Date, time, and type of incident;
 - I.T.3.c.v. Location and cause (if known) of the incident;
 - I.T.3.c.vi. Name and quantity of materials involved;
 - I.T.3.c.vii. The extent of injuries, if any;
 - I.T.3.c.viii. An assessment of actual or potential hazard to the environment and human health, when this is applicable;
 - I.T.3.c.ix. Description of any emergency action taken to minimize threat to human health and the environment;
 - I.T.3.c.x. Estimated quantity and disposition of recovered material that resulted from the incident; and
 - I.T.3.c.xi. Any other information necessary to fully evaluate the situation and to develop an appropriate course of action.

- I.T.4. Within 15 days of the time the Permittee is required to provide the oral report, as specified in Conditions I.T.1. through I.T.3., the Permittee shall provide to the Executive Secretary a written submission.
- I.T.4.a. The written submission shall include, but not be limited to the following:
- I.T.4.a.i. Name, title, address, and telephone number of the individual reporting;
- I.T.4.a.ii. A description (including cause, location, extent of injuries, if any, and an assessment of actual or potential hazard to the environment and human health outside the facility and/or on the facility, when this is applicable) of the reported incident;
- I.T.4.a.iii. The period(s) in which the incident occurred (including exact dates and times);
- I.T.4.a.iv. Name and quantity of material(s) involved;
- I.T.4.a.v. Estimated quantity of recovered material that resulted from the incident;
- I.T.4.a.vi. Whether the results of the incident remain a threat to human health and the environment (whether the noncompliance has been corrected and the release has been adequately cleaned up); and
- I.T.4.a.vii. If the release or noncompliance has not been adequately corrected or cleaned up, the anticipated time that the noncompliance or clean up is expected to continue; the steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance; and the steps taken or planned to adequately clean up the release.

I.U. OTHER DOCUMENTS

Permittee shall keep one current copy, at the Grassy Mountain site, of each environmentally related permit issued to the facility.

I.V. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each scheduled date.

I.W. MANIFEST DISCREPANCY REPORT

Manifest discrepancies shall be defined as differences between the quantity or type of hazardous waste designated on the manifest or

shipping paper, and the quantity or type of hazardous waste the Permittee actually receives. Significant discrepancies in quantity are: (1) for batch waste (containerized loads), any variation in piece count, such as a discrepancy of one drum in a truckload, and (2) for bulk waste, variations greater than ten percent in weight. Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis, such as waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper. If a significant discrepancy is discovered in a manifest, the Permittee shall attempt to reconcile the discrepancy. If not resolved within 15 days after receiving the waste, the Permittee shall submit a written report, including a copy of the manifest, and efforts to reconcile the discrepancy, to the Executive Secretary. (see R315-4-4* and R315-8-5.4)

I.X. UNMANIFESTED WASTE REPORT

This report shall be submitted to the Executive Secretary within 15 days of receipt of unmanifested waste. (See R315-8-5.7)

I.Y. BIENNIAL REPORT

A biennial report shall be submitted covering facility activities during odd numbered calendar years. This report shall be submitted by March 1 of the following even numbered year. (See R315-8-5.6)

I.Z. OTHER NONCOMPLIANCE

The Permittee shall report all other instances of noncompliance with this permit not otherwise required to be reported in accordance with Condition I.T., within seven days of discovering the noncompliance. The reports shall contain all applicable information necessary to describe the noncompliance. Reporting shall not constitute a defense for any noncompliance.

I.AA. OTHER INFORMATION

Whenever the Permittee becomes aware that it failed to submit any relevant facts in the permit application, or submitted incorrect information in a permit application (except minor deviations as allowed by II.B.2.), or in any report submitted to the Executive Secretary, the Permittee shall submit such facts or corrected information within 7 days.

I.BB. SIGNATORY REQUIREMENT

All reports, notifications, or other submissions which are required by this permit to be transmitted to the Executive Secretary shall be sent by

certified mail or other means of proof of delivery to:

Executive Secretary
Utah Solid and Hazardous Waste Control Board
Post Office Box 144880
Salt Lake City, Utah 84114-4880
Phone: (801) 538-6170

Required oral notifications shall be given to the Executive Secretary or his representatives (Environmental Manager, Environmental Scientist, or Environmental Engineer) during normal business hours (8 am to 5 p.m., Monday through Friday, except state or federal holidays). Notifications made at other times shall be made to the twenty-four hour answering service at 801-536-4123. Notifications made to the twenty-four hour answering service shall include all applicable information required by this permit. The Permittee shall give oral notification to the Executive Secretary or his representatives on the first business day following notification to the twenty-four hour answering service.

I.CC. CONFIDENTIAL INFORMATION

The Permittee may claim confidential any information required to be submitted by this permit in accordance with Utah Administrative Code 63-2-101 et seq.19-1-306.

I.DD. REPORTS, NOTIFICATIONS, AND SUBMISSIONS

All reports, notifications, or other submissions which are required by this permit to be transmitted to the Executive Secretary should be sent by certified mail or other means of proof of delivery to:

Executive Secretary
Utah Solid and Hazardous Waste Control Board
P.O. Box 144880
Salt Lake City, Utah 84114-4880
Phone (801)-538-6170

During normal business hours (8 am to 5 pm, Monday through Friday, except Utah State holidays) required oral notifications shall be given only to the Executive Secretary or an Environmental Manager, Environmental Scientist, or Engineer employed by the Executive Secretary to assist him in administering the hazardous waste program. Notifications made at other times shall be made to one of the aforementioned persons if the Permittee can contact such person at the facility or at the office of the Division of Solid and Hazardous Waste at **801-538-6170**. Otherwise, notification shall be made to the 24-hour answering service at **801-536-**

4123. Notifications made to the 24-hour answering service shall include all applicable information required by this permit. The Permittee shall give oral notification to the Executive Secretary or an Environmental Manager, Environmental Scientist, or Engineer employed by the Executive Secretary to assist him in administering the hazardous waste program on the first business day following notification to the 24 hour answering service.

I.EE. DOCUMENTS TO BE MAINTAINED AT THE FACILITY SITE

The Permittee shall maintain at the facility, for the periods specified, the following documents and amendments, revisions and modifications to these documents; as stated in Condition I.O.1, electronically-stored versions may be used with the prior approval of the Executive Secretary:

- I.EE.1. Waste Analysis Plan, as required by R315-8-2.4 and this permit until facility closure is certified in accordance with Condition II.N.7.
- I.EE.2. Personnel training documents and records, as required by R315-8-2.7(d) and this permit until facility closure for current employees, or for a period of three years for former employees in accordance with R315-8.2.7(e).
- I.EE.3. Contingency Plan as required by R315-8-4.2(a) and this permit until facility closure is certified in accordance with Condition II.N.7.
- I.EE.4. Closure Plan as required by R315-8-7 and this permit until facility closure is certified in accordance with Condition II.N.7.
- I.EE.5. Cost estimates for the facility closure and post-closure as required R315-8-7.
- I.EE.6. Operating Record as required by R315-8-5.3 and this permit until facility closure is certified in accordance with Condition II.N.7.
- I.EE.7. Inspection logs, as required by R315-8-2.6(b) and this permit for a period of three years in accordance with R315-8-2.6(d).
- I.EE.8. Manifest copies, as required by R315-4-4(a)(5) and R315-4-4(b)(5) and this permit for at least three years from the date the waste shipment was accepted at the facility.
- I.EE.9. A copy of the Permittee's waste minimization statement until facility closure is certified in accordance with Condition II.N.7.
- I.EE.10. A complete and current copy of the facility Permit. All modifications shall be placed in the facility's copy of the permit within 30 days from the date the Executive Secretary approves the permit modifications.

- I.EE.11. All independent tank system assessment, installation, and repair certifications, as required by R315-8-10, until facility closure is certified in accordance with Condition II.N.7.

I.FF. PROTECTION OF HUMAN HEALTH AND THE ENVIRONMENT

Pursuant to R315-3-3.3(b)(2), this permit contains those terms and conditions determined necessary to protect human health and the environment.

I.GG. PROPERTY RIGHTS

Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of State or local laws or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under Section 3013 or Section 7003 of RCRA, Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9606 (a), commonly known as CERCLA), or any other law providing for protection of human health or, the environment.

I.HH. DEFINITIONS

Regulatory terms used in this permit have the same meaning as those in R315, or as outlined below, unless this permit specifically provides otherwise. Where terms are not defined in the regulations or the permit, a standard dictionary reference or the generally accepted scientific or industrial meaning of the term shall define the meaning associated with such terms. (Note: When words which are also regulatory terms are not used as regulatory terms in this permit, they have the standard-dictionary-reference meaning or the generally accepted meaning as described above, e.g., "debris," "sump.")

"Active life of a facility" means the period from the initial receipt of hazardous waste at the facility until the Executive Secretary receives certification of final closure.

"Active portion" means that portion of a facility where treatment, storage, or disposal operations are being or have been conducted after the effective date of this permit and which is not a closed portion. (See also "closed portion" and "inactive portion".)

"Ancillary equipment" means any device (including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps) in which hazardous

waste is handled and which is used to distribute, meter, or control the flow of hazardous waste within a permitted unit or from the point of generation to a storage or treatment tank(s), between hazardous waste storage and treatment tanks to a point of disposal on site, or to a point of shipment for disposal off site.

"Annual" or "Annually" means once every 12 months.

"Approved" means oral or written approval from the Executive Secretary of the Utah Solid and Hazardous Waste Control Board. If oral approval is obtained, written certification of that approval shall follow within 15 days.

"Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding ground water to wells.

"Arrival" means a waste load present at the gate of the facility.

"Board" means the Utah Solid and Hazardous Waste Control Board.

"CAMU" means Corrective Action Management Unit.

"CAMU-Eligible Waste" is a waste stream that meets the requirements of 40 CFR 264.552(a)(1).

"Certification" means a statement of professional opinion based upon knowledge, observation and belief.

"Closed portion" means that portion of a facility which an owner or operator has closed in accordance with the approved facility Closure Plan and all applicable closure requirements. (See also "active portion" and "inactive portion".)

"Component" means either the tank or ancillary equipment of a tank system, when used in reference to a tank system.

"Confined aquifer means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined ground water.

"Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

"Continuous" in the context of data collection, means data is collected at intervals that do not exceed once per minute.

“Corrosion expert” means a person who, by reason of his knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

"Day" means calendar day unless specified otherwise.

“Discharge” or hazardous waste discharge means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous waste into or on any land or water.

“Disposal” means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

“Disposal facility” means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water, and at which waste will remain after closure.

“EPA hazardous waste number” means the number assigned by EPA to each hazardous waste listed in 40 CFR 261, Subpart D and to each characteristic identified in 40 CFR 261, Subpart C.

“EPA identification number” means the number assigned by EPA to each generator, transporter, and treatment, storage, or disposal facility.

“Equivalent method” means any testing or analytical method approved by the Executive Secretary.

“Existing portion” means that land surface area of an existing waste management unit, included in the original Part A permit application, on which wastes have been placed prior to the issuance of a permit.

“Existing tank system” or “existing component” means a tank system or component that is used for the storage or treatment of hazardous waste and that is in operation as of May 1, 1997, or was in service prior to May 1, 1997, and is currently “inactive.”

"Executive Secretary" means the Executive Secretary of the Utah Solid and Hazardous Waste Control Board.

"Facility" means all contiguous land, structures, other appurtenances, and/or improvements on the land used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

"Facility Plan Approval" means a written approval (referred to as a permit) to operate a hazardous waste treatment, storage, or disposal facility within the State of Utah.

"Federal agency" means any department, agency, or other instrumentality of the Federal Government, any independent agency or establishment of the Federal Government including any Government corporation, and the Government Printing Office.

"Federal, State and local approvals or permits necessary to begin physical construction" means permits and approvals required under Federal, State or local hazardous waste control statutes, regulations or ordinances.

"Final closure" means the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities in this permit are no longer conducted at the facility.

"Freeboard" means the distance between the top edge of a tank or surface impoundment and the surface of the waste contained therein.

"Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in R315-2 or whose act first causes a hazardous waste to become subject to regulation.

"Groundwater" means water below the land surface in a zone of saturation.

"Hazardous waste" means a hazardous waste as defined in R315-2-3.

"Hazardous waste constituent" means any constituent listed in R315-50-10.

"Hazardous waste management unit" is a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same

area. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are placed.

“Immediately” means within 24 hours unless otherwise specified.

“Inactive portion” means that portion of a facility that is not currently operated and has not undergone closure.

“Inner liner” means a continuous layer of material placed inside a tank or container that protects the construction materials of the tank or container from the contained waste or treatment reagents.

“International shipment” means the transportation of hazardous waste into or out of the jurisdiction of the United States.

“Landfill cell” means a discrete volume of a hazardous waste landfill, which uses a liner system to provide isolation of wastes from adjacent cells, or wastes, that are constructed in accordance with the Permit.

“Leachate” means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste or water generated from naturally occurring storm events that has been in contact with waste listed in 40 CFR 261 Subpart D.

“Leak detection system for tanks” means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of above ground tanks) or consist of an interstitial monitoring device designed to detect, continuously and automatically, the failure of the primary or secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure.

“Like Wastes” means wastes exhibiting the same general characteristics.

“Liner” means a continuous layer of natural or man-made materials, beneath or on the sides of a surface impoundment, landfill, or landfill cell, which restricts the downward or lateral escape of hazardous waste, hazardous waste constituents, or leachate.

“Liquid” or “Liquid waste” means a material that fails the Paint Filter Liquids Test (PFLT) using EPA Method 9095 as described in *Test Methods for Evaluation of Solid Wastes, Physical/Chemical Methods* (EPA Publication No. SW-846).

“Management” or “hazardous waste management” means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous waste.

“Manifest” means the shipping document EPA form 8700-22 and, if necessary, EPA form 8700-22A, originated and signed by the generator in accordance with the instructions included in the R315-50-1.

“Miscellaneous unit” means a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that is not a container, tank, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection, containment building, or unit eligible for a research, development, and demonstration permit.

“New tank system” or “new tank component” means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation has commenced after May 1, 1997. A new tank system also means a tank system or component for which construction commences after May 1, 1997.

“On-site” means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the right-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way that he controls and to which the public does not have access, is also considered on-site property.

“Partial closure” means the closure of one or more hazardous waste management units in accordance with this permit while other units continue to operate.

“PCB” means POLYCHLORINATED BIPHENYLS as defined in 40 CFR §761.3.

“Person” means an individual, trust, firm, joint stock company, Federal Agency, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body.

“Personnel” or “facility personnel” means all persons who work, at, or oversee the operations of, a hazardous waste facility, and whose actions or failure to act may result in noncompliance with this permit.

"Precipitation run-off" means water generated from naturally occurring storm events. If water generated from naturally occurring storm events has been in contact with waste listed in R315-2-10, it is considered to be leachate.

"Pyrophoric waste" means a waste that can ignite within five minutes after coming in contact with air when tested according to 49 CFR 173, Appendix E, Paragraphs 3.1.1 - 3.1.3.

"Qualified Utah Registered Professional Engineer" means any individual who is qualified by experience and educated in the appropriate field and is licensed as a Professional Engineer by the Utah Department of Commerce.

"Quarterly" means once every three months.

"RCRA" means the Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. section 6901 et seq.

"RCRA/TSCA" refers to the definition listed under TSCA/RCRA Combination Waste Streams.

"Received" refers to the point in time when a load of waste enters the fenced portion of the facility.

"Release" means any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes (including hazardous waste constituents) into the environment (including the abandonment or discarding of barrels, containers, and other receptacles containing hazardous wastes or hazardous waste constituents).

"Run-off" means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

"Run-on means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

"Saturated zone or zone of saturation means that part of the earth's crust in which all voids are filled with water.

"Semi-Annually" means once every six months.

"Soil cover" means any soil material, other than hazardous waste, that affords protection to a landfill cell liner.

"Solid Waste Management Unit (SWMU)" means any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any area at the facility at which solid wastes have been routinely and systematically released.

"Solidify" means to treat a liquid waste by changing the liquid into a solid form by the use of solidification agents, thereby reducing the hazard potential of the waste by decreasing its mobility. Solidification does not necessarily involve a chemical reaction or interaction between the waste constituent(s) and the solidification agent(s).

"Stabilize" or "Stabilization" means to treat, or the process of treating, a waste by adding stabilization reagents that will react with the contaminants to produce a less soluble, toxic or mobile form of the contaminants. The physical form of the waste may or may not change. For purposes of this permit, stabilization will include reactions or processes which neutralize, deactivate, chemically oxidize or chemically reduce, waste contaminants, when they are accomplished in accordance with the applicable provisions herein.

"Storage" means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, stored elsewhere, or shipped off-site to another facility.

"Submit or Submission" means to be received and logged in at the offices of the Utah Division of Solid and Hazardous Waste, having been hand delivered or delivered by certified mail, mail, express mail, facsimile, electronic mail, and/or computer diskette. The postmark or equivalent evidence shall be used as the date of submission. When a submission due date falls on a Saturday, Sunday or a Utah or federal holiday, the submission or report is due on the next business day.

"Sump" means any structure designed for the collection of liquids that meets the definition of a tank.

"Tank" means a stationary device, designed to contain an accumulation of hazardous waste that is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) that provide structural support.

"Tank system" means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

"Transfer facility" means any transportation related facility including loading docks, parking areas, and other similar areas where shipments of hazardous waste are held during the normal course of transportation.

“Transport vehicle” means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

“Transportation” means the movement of hazardous waste by air, rail, highway, or water.

“Transporter” means a person engaged in the off-site transportation of hazardous waste by air, rail, highway, or water.

“Treatability Study” means a study in which a hazardous waste is subjected to a treatment process to determine: (1) Whether the waste is amenable to the treatment process, (2) what pretreatment (if any) is required, (3) the optimal process conditions needed to achieve the desired treatment, (4) the efficiency of a treatment process for a specific waste or wastes, or (5) the characteristics and volumes of residuals from a particular treatment process. Also included in this definition for the purpose of the R315-2-4(e) and (f) exemptions are liner compatibility, corrosion, and other material compatibility studies and toxicological and health effects studies. A "treatability study" is not a means to commercially treat or dispose of hazardous waste.

“Treatment means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

“TSCA” means the Toxic Substances Control Act.

“TSCA/RCRA Combination Waste Streams” refers to those PCB-containing waste streams that may be placed in the stabilization unit when the presence of RCRA hazardous constituents in combined RCRA/TSCA waste requires treatment prior to land disposal. The treatment unit is not authorized for management of any combined waste streams in which the PCB component of the waste would not otherwise be authorized for land disposal in a TSCA land disposal unit.

“UAC” means Utah Administrative Code.

“Unsaturated zone” means the zone between the land surface and the water table.

“Uppermost aquifer” means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

“USHWA” means Utah Solid and Hazardous Waste Act, Utah Code Annotated 19-6-101 et seq., as amended.

“Waste” means hazardous waste or waste to be managed as hazardous waste in accordance with this permit unless otherwise specified.